

Information Management Guidelines:

Retention at a glance



Information Management Guidelines

1. Introduction

North Tyneside Council is required by the Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000 to have and to implement a records retention & disposal schedule.

This document sets out details about all the records created and kept by us, or our commissioned partners, in such a way that decisions can be made about identifying and disposing of them on a routine and timely basis.

Implementing the requirements detailed in this document is also a requirement of the NTC Records Management Policy. This retention & disposal schedule has been produced in consultation with departments primarily responsible for the business activities and key stakeholders in the processes to establish the legal and regulatory requirements, and business needs on which record retention and disposal policies are based.

2. Scope

This retention & disposal schedule applies to all documents defined as records - 'Information created, received and maintained as evidence and information by an organisation or individual, in pursuance of legal obligations or in the transaction of business' i.e. evidence of SCC's actions, transactions, decisions or agreements. The retention requirements listed here apply to all records irrespective of media and format, or the system(s) in which the records are held, and should be applied to all copies including backups.

Divergence from the retention & disposal schedule may be appropriate in certain circumstances. For example, a pending or actual legal action, change of legislation or regulation, or legitimate business need. Any divergence requires liaison with the Central Information Team.

3. Responsibilities

Business unit managers and team leaders are responsible for ensuring:

- Record retention policies are implemented in their unit/team, supported by written procedures.
- Recordkeeping systems and arrangement of records enable identification of records due for disposal.
- Records due for disposal are routinely identified and reviewed to ensure they are no longer required.
- Divergence from Records Retention and Disposal Policy is authorised and the Information Governance Unit is notified of changes.
- Staff dispose of records only in accordance with policies set out in this document.
- Records are disposed of appropriately considering their sensitivity, security classification and the media and format(s) in which they are held in line.

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- ICT Equipment and storage media are disposed of securely ensuring all records, data and information are removed in such a way that it is not recoverable.
- Records of potential historic interest or research value are identified and transferred with agreement to NTC Archive Service.
- Evidence of the disposal process is kept.

All staff are responsible for:

- Following procedures and guidance for managing, retaining and disposing of records.
- Only disposing of records in accordance with the requirements outlined in this document (if authorised to do so).
- Ensuring that any proposed divergence from records retention and disposal policies is authorised

4. Legal Requirements

Each entry on the retention & disposal schedule details the specific legislation, regulations, guidelines or codes of practice that stipulate or recommend how long records must be kept before they are disposed of. Where no such legislation or guidance exists, SCC Directorates have been consulted to determine the retention requirements that best suit each business activity. Some legislation affects how long we keep records, and will apply to all the records listed in this document.

The Data Protection Act 1998

Principle 5 states that “Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.”

The Freedom of Information Act 2000

The Act requires us to make information available to the public unless specific exemption(s) apply. The Code of Practice issued under 46 of the Act sets out rules on how we should manage records and information, including responsibilities on all staff to implement records retention & disposal schedules.

The Local Government Act 2000

S.22 requires that written records are kept of decisions made and that these may be made available to the public.

5. Independent Inquiry into Child Sexual Abuse

On Thursday 12 March 2015 the Home Secretary established a statutory inquiry under the 2005 Inquiries Act with the aim of conducting an overarching national review of the extent to which institutions in England and Wales have discharged their duty of care to protect children against sexual abuse.

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The Inquiry is independent of government. The Chair is Professor Alexis Jay OBE, who is supported by a Panel, Victims and Survivors Consultative Panel, and other expert advisers. The Inquiry will cover England and Wales. A wide range of public institutions will be investigated including local authorities, the police, the armed forces, schools, hospitals, children's homes, churches, and charities.

On 2nd July 2015 the Inquiry wrote to every Chief Executive of a Local Authority in England and Wales, requesting that the organisation :

'retain any and all documents; correspondence; notes; emails and all other information – however held – which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care. For the purposes of this appendix, the word "children" relates to any person under the age of 18.'

We must not destroy, and must make available for inspection, all reports; reviews; briefings; minutes; notes and correspondence in relation to:

- allegations (substantiated or not) of individuals, organisations
- institutions, public bodies or otherwise who may have been involved in, or have knowledge of, child sexual abuse, or child sexual exploitation
- allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children
- institutional failures to protect children from sexual abuse or other exploitation
- statutory responsibilities for the care of children in public or private care
- the development of policy on child protection
- the development of legislation on child protection
- the determination of the award of Honours to persons who are now demonstrated to have had a sexual interest in children or are suspected of having had such an interest.

All of these document types – in whatever format – must be “retained pending further requests from the Inquiry”

The instructions received by the Inquiry constitute a legal hold as defined by section 12.3 of the code of practice issued under Section 46 of the Freedom of Information Act. As such all records that fall within the above categories are retained, and not destroyed, until we are directed otherwise.

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Retention At-A-Glance

Adult Social Care	
Supporting Adults Case Files	Destroy - 7 years after last contact
Supporting Disabilities	
Service Provision – Commissioned Services	
Assets & Property	
Maintenance Refurbishment	Destroy - 7 years after last action
Acquisitions - over £50,000 Disposal – over £50,000	Destroy - 12 years after all obligations/entitlements concluded
Acquisitions - under £50,000 Disposal – under £50,000	Destroy - 6 years after all obligations/entitlements concluded
Fleet Management	Destroy - 7 years after disposal of the vehicle
Land and Property Leasing	Destroy - 15 years after expiry of the lease
Children’s Social Care	
Adoptions	Destroy - 100 years from date of adoption
Children’s Care & Support	Until child’s 21 st Birthday
Foster Carers	10 years from termination of approval
Looked after Young Persons	Destroy – 75 years from date of last action
Residential Homes	Destroy - 15 years from date of last entry
Youth Offending	Destroy - 25 years from DOB or 10 years from last contact which ever is longest
Community Safety	
CCTV & Body Camera Footage	Destroy 31 days (if no prosecution) Destroy 6 years after closure of prosecution
Emergency Planning	Destroy 3 years after last action
Enforcement Activities & Community Triggers	Destroy 6 years after closure of activity
Domestic Violence Referral	Destroy 12 years after referral where individual is not under notice
Domestic Homicide Review	Destroy 6 years from closure
Multi-Agency Partnership – Fear of Crime	Destroy 6 years after last action

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Consumer Affairs	
Public Protection Advice	Destroy 7 years from investigation complete
Public Protection Prosecutions	Destroy 3 years from last action
Environmental Monitoring	Destroy 2 years after registration lapses
Registration, certification and licensing	
Crematoria & Cemeteries	
Registration	Permanent
Internment & Exhumation and cremation	Destroy 15 years after cremation
Culture & Tourism	
Tourism & Arts Development	Destroy 3 years from last action
Visitor Information	Until superseded
Economic Development	
Business Intelligence	Destroy 12 years after funding awarded
Business Intelligence (European)	Destroy 25 years after funding awarded
Town Centre Management	Destroy 15 years from closure of project
Tourism	Destroy after 3 years
Democracy	
Decision Making	6 years after creation
Elections	6 months from close of poll
Education and Skills	
Admissions & Transfers	Destroy 7 years after creation
Education Welfare	Destroy on child's 21 st Birthday
School exclusions	Destroy 25 years from last action
Special Education Needs	Destroy 35 years from closure
Environmental Services	
Allotment Management	Destroy 6 years from last action
Green Spaces Management	
Animal Welfare & Pest Control Services	

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Finance	
Banking	Destroy 6 years after administrative use is concluded
Asset Maintaining	Destroy - 7 years after last action
Borrowing	
Business Rates	
Financial Auditing	
Grant Funding	Funding Body requirement
Insurance	Destroy - 7 years after all obligations and entitlements are concluded
Payroll	Destroy 2 years after employee ceases to be an employee
Pension Scheme Administration	Permanent
Tax	Destroy 6 years after the end of the financial year in which the records were created
Health & Safety	
Accidents Children	Destroy 25 years from resolution
Accidents Adults	Destroy 5 years from resolution
Hazardous Substances Assessment	Retain Permanently
H & S Equipment	Destroy 6 years after equipment is de-commissioned
Housing	
Advice, complaints and tenancy reviews	Destroy 3 years after last action
Allocations	Destroy 3 years after allocation
Maintenance	Destroy - 7 years after works completed
Managing the tenancy	Destroy 7 years after tenancy has expired
Enforcement & rent arrears	Destroy 7 years after conclusion
Right to Buy	Destroy 12 years after sale
Human Resources	
Attendance & Time Recording	Destroy 2 years after creation
Employment Contracts Management	Destroy 6 years after end of contract
Recruitment Advertising/unsuccessful appointments	Destroy 1 year after recruitment finalised
Industrial Relations	Destroy 6 years after creation
Sickness Absence	Destroy 6 years from end of contract
Statutory Leave	Destroy 3 years from end of relevant

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	tax year
Training (individual records)	Destroy 6 years from termination of employment
ICT	
Infrastructure Licensing	Retain for life of system then destroy 6 years later
Infrastructure Management	Destroy 5 years after last action
System Support	Destroy 2 years after system no longer used
Information Governance	
Access to information	Destroy 7 years after case closed
Compliance advice, reports & checks	Destroy 7 years after advice given
Statutory Registers	Permanent
Internal Audit	
Compliance advice, reports & checks	Destroy 7 years after financial year end
Financial Auditing	
Legal	
Litigation and prosecutions	Destroy 7 years after last action
Licensing	Destroy 6 years after case closed
Taxi Licensing	Destroy 7 years after case closed
Leisure	
Sports Development	Destroy 7 years after date last action (date last modified)
Libraries	
Library Membership	Last use +1 year for paper records Last use + 5 years for electronic membership details on the Alto system
Ordering of Books	Destroy 6 after years
Fines	
Management	
Business Planning	Destroy 6 years after creation
Communications	Destroy 7 Years after creation
Complaints	Destroy 6 years after resolution
Customer Feedback	Destroy 2 years after creation

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Data Collections & Analysis	Destroy 6 Years after creation
Events Management	
Marketing	
Performance Monitoring & Reporting	
Process & Procedures Development	
Publication & Promotion	Destroy 7 Years after creation
Research & Analysis	Destroy 6 Years after creation
Strategic Planning	
Procurement	
Contract (ordinary)	Destroy 6 years after end of the contract
Contract (under seal)	Destroy 12 years after end of the contract
Tender Process	Destroy 1 year after end of contract
Planning & Building Control	
Planning Schemes	Destroy 15 years after decision
Planning Applications	Destroy after 3 years if rescinded otherwise permanent - offer to archivist
Planning Appeals	Destroy after 6 years from conclusion of appeal
Planning Enforcement	Destroy 3 years after compliance with enforcement notice
Planning Permission	Destroy 10 years after planning permission expires
Building Control Registration	Permanent
Tree Preservation	Permanent
Public Health	
Children and young people	Retain until the patient's 25th birthday or 26th if young person was 17 at conclusion, or 8 years after death
Health Visitor and School Nurse	Destroy 10 years (unless children's)
Substance Misuse	Destroy after 2 years
Mental Health	Destroy 20 years from the date of last contact
Registration & Coroners	
Civil Registration	Permanent
Coroners Death Enquiry	Destroy 15 years after creation
Coroners Treasure Trove Enquiry	Destroy 2 years after enquiry

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Revenues & Benefits	
Benefits & subsidies	Destroy 7 years after last action
Business Rates	
Taxation Records	Destroy 7 years after the end of the financial year
Risk Management & Insurance	
Insurance	Destroy 7 years after last action
Risk Assessment	
Transport & Infrastructure	
Highway Adoption	Permanent
Maintenance	Destroy 12 years after action completed
Highway Design & Construction	
Street Furniture	Destroy 7 years after last action
Road Safety	
Rights of Way	Permanent
Waste Management	
Waste Collection	Destroy 3 years after last action
Hazardous Waste	Destroy 6 years after last action
Waste Site Development	Permanent